## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )					
	Plaintiff,	8:05CR138			
VS.	;	DETENTION ORDER			
LUIS MEL	ENA-GARCIA,				
	Defendant.				
After of Act on		t to 18 U.S.C. § 3142(f) of the Bail Reform bove-named defendant detained pursuant			
	will reasonably assure the appearance	ecause it finds: at no condition or combination of conditions of the defendant as required. no condition or combination of conditions			
The C which	(1) Nature and circumstances of the conspiracy distribute in excess of 500 violation of 21 U.S.C. § distribute in excess of 500 violation of 21 U.S.C. § distribute in excess of 500 violation of 21 U.S.C. § 84 ten years imprisonment and (b) The offense is a crime of violation of 21 U.S.C. § 84 ten years imprisonment and (c) The offense involves a narge (d) The offense involves a large (e) The weight of the evidence agains (f) (a) General Factors:  The defendant appear affect whether the defendant has not to be a constant of the defendant has a constant of the defendant has a constant of the defendant has a constant and t	offense charged: to distribute and possess with intent to 0 grams of methamphetamine (Count I) in 846 and the possession with intent to grams of methamphetamine (Count VII) in 1(a)(1) both carry a minimum sentence of d a maximum of life imprisonment. iolence. cotic drug. le amount of controlled substances, to wit:  st the defendant is high. the defendant including:  le amount will appear. of family ties in the area. so no steady employment. so no substantial financial resources. hot a long time resident of the community. less not have any significant community ties.			

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			The defendant has a prior record of failure to appear at court
		(b)	proceedings.
		(D)	At the time of the current arrest, the defendant was on:  Probation
			Parole
			Release pending trial, sentence, appeal or completion of
			sentence.
		(c)	Other Factors:
			The defendant is an illegal alien and is subject to deportation.
			The defendant is a legal alien and will be subject to deportation if convicted.
			The Bureau of Immigration and Custom Enforcement (BICE)
			has placed a detainer with the U.S. Marshal.
			Other:
<u>X</u> (4			ature and seriousness of the danger posed by the defendant's release
		are as	follows: The nature of the charges in the Indictment.
_X_ (5	۲۱	Dobu	ttable Presumptions
(3	"		ttable Presumptions ermining that the defendant should be detained, the Court also relied on
			llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
			the Court finds the defendant has not rebutted:
	X	_ (a)	That no condition or combination of conditions will reasonably assure
			the appearance of the defendant as required and the safety of any
			other person and the community because the Court finds that the crime
			involves:
			(1) A crime of violence; or (2) An offense for which the maximum penalty is life
			imprisonment or death; or
			X (3) A controlled substance violation which has a maximum
			penalty of 10 years or more; or
			(4) A felony after the defendant had been convicted of two or
			more prior offenses described in (1) through (3) above, and
			the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five
			years old and which was committed while the defendant was
			on pretrial release.
	Χ	_ (b)	That no condition or combination of conditions will reasonably assure
			the appearance of the defendant as required and the safety of the
			community because the Court finds that there is probable cause to
			believe:
			<ul> <li>X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10</li> </ul>
			years or more.
			(2) That the defendant has committed an offense under 18
			U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment if
			committed by the use of a deadly or dangerous weapon or
			device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge